

GENERAL ORDERS, }
No. 172. }

WAR DEPARTMENT,
ADJUTANT GENERAL'S OFFICE,
Washington, October 29, 1862.

I.. At a General Court Martial, which convened at Rienza, Mississippi, on the 9th day of July, 1862, pursuant to "General Orders," No. 44, dated July 8, 1862, from the Headquarters of the Cavalry Division, and of which Major W. P. HEPBURN, 2d Iowa Cavalry, was President, was arraigned and tried—

Private *James Weldon*, Company C, 7th Illinois Cavalry.

CHARGE 1st.—"*Conduct prejudicial to good order and military discipline.*"

Specification 1st—"In this; that he, *James Weldon*, Private, of Company C, 7th Illinois Cavalry, did, on the 9th day of March, A. D. 1862, attempt to force his way by or past the guard, properly posted for the protection and safety of the camp of the 2d Battalion of the said 7th Illinois Cavalry, and did, further, by force, resist the sentinel while in the discharge of his duty. All this at or near Oak Grove, Missouri."

Specification 2d—"In this; that the said *James Weldon*, Private, of Company C, 7th Illinois Cavalry, on the 9th day of March, A. D. 1862, threatened to shoot one John W. Houston, Private, Company C, 7th Illinois Cavalry, the said Private John W. Houston being then and there a sentinel, properly posted, and in the discharge of his duty. All this at or near Oak Grove, Missouri."

Specification 3d—"In this; that the said *James Weldon*, Private, Company C, 7th Illinois Cavalry, did, on or about the 14th day of March, A. D. 1862, take, steal, and carry away four boxes of tobacco, the property of John Clemmens and William M. Summers, of the value of fifty dollars, and appropriated or converted the same to his own use. All this at or near Sykestown, Mo."

CHARGE 2d.—"*Disobedience of orders.*"

Specification—"In this; that the said *James Weldon*, Private, Company C, 7th Illinois Cavalry, did, on the 15th day of March, A.

D. 1862, on being ordered by his superior officers to go to his quarters, refuse to obey said order, and would not go to his quarters. This near Sykestown, Mo."

CHARGE 3d.—"*Violation of the 9th Article of War.*"

Specification 1st—"In this; that he, the said Private *James Weldon*, Company C, 7th Illinois Cavalry, did, on the 15th day of March, A. D. 1862, at camp at Sykestown, Mo., strike his superior officer, Captain P. Bartlett, 7th Illinois Cavalry, he being then and there in the execution of his office."

Specification 2d—"In this; that he, the said *James Weldon*, Private, Company C, 7th Illinois Cavalry, did, on the 15th day of March, A. D. 1862, at or near Sykestown, Mo., attempt and try to shoot his superior officer, Captain Bartlett, 7th Illinois Cavalry, he being then and there in the execution of his office."

To which the prisoner pleaded as follows:

CHARGE 1.

"Not Guilty" to the 1st *Specification*.

"Not Guilty" to the 2d *Specification*.

"Not Guilty" to the 3d *Specification*.

"Not Guilty" to the 1st CHARGE.

CHARGE 2.

"Not Guilty" to the *Specification*.

"Not Guilty" to the 2d CHARGE.

CHARGE 3.

"Not Guilty" to the 1st *Specification*.

"Not Guilty" to the 2d *Specification*.

"Not Guilty" to the 3d CHARGE.

FINDINGS OF THE COURT.

The Court, after mature deliberation upon the testimony adduced, find the prisoner, Private *James Weldon*, Company C, 7th Illinois Cavalry, as follows:

Of the 1st *Specification*, 1st CHARGE, "Not Guilty."

Of the 2d *Specification*, 1st CHARGE, "Not Guilty."

Of the 3d *Specification*, 1st CHARGE, "Not Guilty."

Of the 1st CHARGE, "Not Guilty."

Of the *Specification*, 2d CHARGE, "Guilty."

Of the 2d CHARGE, "Guilty."

Of the 1st *Specification*, 3d CHARGE, "Guilty."

Of the 2d *Specification*, 3d CHARGE, "Guilty."

Of the 3d CHARGE, "Guilty."

SENTENCE.

And the Court does therefore sentence him, Private *James Weldon*, Company C, 7th Illinois Cavalry, "*To be shot to death, at such time and place as the Commanding General of this Department may designate.*"

II. In compliance with the 5th section of the act approved July 17, 1862, the proceedings in the case of Private *James Weldon* have been submitted to the President of the United States. The record in this case is fatally defective in not showing that the Judge Advocate was duly sworn in the presence of the prisoner; and that two-thirds of the members of the Court concurred in the sentence to death. The sentence is not approved by the President.

BY ORDER OF THE SECRETARY OF WAR:

L. THOMAS,
Adjutant General.

OFFICIAL:

Assistant Adjutant General.

